Ombudsman
SASKATCHEWAN

Annual Report 2008

WHAT WE ARE

Fair
Independent
Impartial

WHAT WE DO

Negotiate
Investigate
Mediate

HAS GOVERNMENT BEEN FAIR?

Ombudsman
SASKATCHEWAN

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April 2009

The Honourable Don Toth
Speaker of the Legislative Assembly
Province of Saskatchewan
Legislative Building
Regina, Saskatchewan

Dear Mr. Speaker:

In accordance with Section 30 of *The Ombudsman and Children's Advocate Act*, it is my duty and privilege to submit to you the thirty-sixth annual report of Ombudsman Saskatchewan for the year 2008.

Respectfully submitted,

Kevin Fenwick

Kevin Fenwick
Ombudsman

promoting fairness

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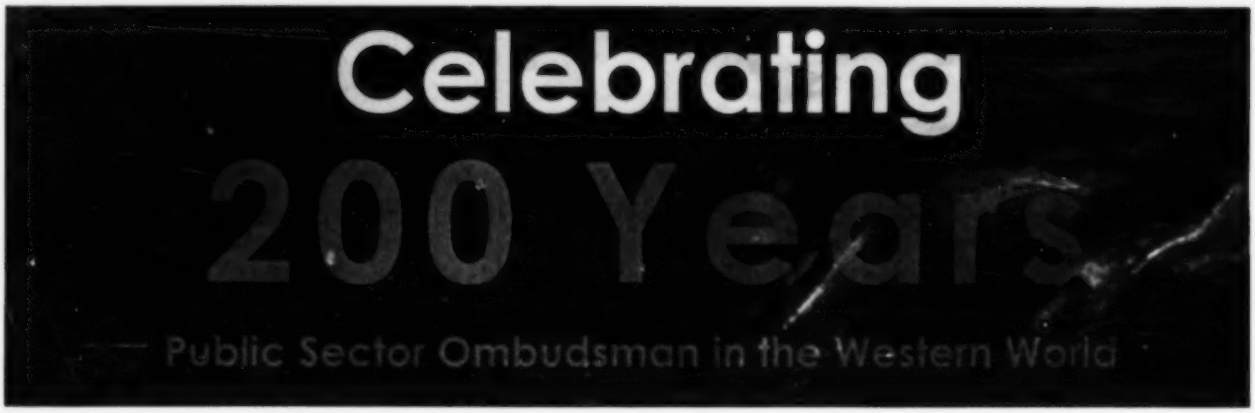
Observations

Kevin Fenwick Q.C. Saskatchewan Ombudsman

We are celebrating an anniversary! 2009 is the 200th anniversary of the establishment of the first public sector ombudsman in the Western world.

Actually, the history of the ombudsman goes back a bit further than 1809. It was in October, 1713 that Charles XII, King of Sweden, signed an ordinance establishing the position of the "King's Highest Ombudsman." At the time, Charles had been away from Sweden for 13 years fighting a war and he felt it was necessary to have someone back home monitoring the country on his behalf. The job of King's Highest Ombudsman was to ensure that civil servants were following the laws of the country and abiding by the rules. The King's Highest Ombudsman, however, was not very independent of the King.

That all changed with a new Swedish Constitution in 1809 that established



the office of the ombudsman as an independent institution of Parliament. Thus, it is 1809 that is generally recognized as the birth of the Parliamentary Ombudsman and the beginning of the institution and the tradition to which Saskatchewan's Ombudsman belongs.

The word "ombudsman" is a Swedish word. It means "representative" and is often translated today as "citizen's representative." That definition probably describes as well as any the role of the modern Parliamentary Ombudsman - to act as a representative of citizens to ensure that they are treated fairly by their government and governmental institutions.

The first Parliamentary Ombudsman in Canada was appointed in 1967 and Saskatchewan's first Ombudsman was appointed in 1973. There are currently ten Parliamentary Ombudsman in Canada. Every province except Prince Edward Island has an ombudsman, although not always under the same name, and the Yukon does as well.

One of the most important traits we share is our independence from the government of the day. Parliamentary Ombudsman are appointed directly by the Legislative Assembly. We are not responsible to the executive branch of government or to the government of the day. We do not report to an individual Minister of the Crown. We are responsible directly to the Legislative Assembly. This independence from executive government helps us to act fairly and impartially.

The Ombudsman and Children's Advocate Act is the law that establishes the office of the Ombudsman in Saskatchewan. The Act provides that the Ombudsman is appointed for a five-year term that can be renewed once. I am now in the fifth year of the initial five-year term so this is a good time for reflection and looking back at what our office has accomplished since 2004.

"One of the most important traits we share is our independence from the government of the day."

I was fortunate to inherit an office with a strong tradition and an experienced staff. Every person appointed to a position such as this also brings their own particular beliefs and philosophy to the job and I am no exception. So, what have we been concentrating on over the past several years?

The core of our work is responding to complaints that we receive from the public about services provided (or not provided) by the provincial government in Saskatchewan. This includes ministries, Crown corporations, boards, commissions, and agencies. This is the work that utilizes most of our time and resources and it is where we provide our services most directly and most visibly. The office receives between 2,000 and 3,000 complaints every year from members of the public about these provincial government agencies. We also receive approximately 1,000 additional complaints every year about other agencies or institutions that are not directly part of our mandate. We are busy!

Our philosophy when we receive these individual complaints is that every person who comes to our office deserves to have his or her complaint dealt with independently, impartially and with a method of service that is appropriate for his or her needs. We do not believe that "one size fits all."

Some people who come to us are best assisted if we do a full and complete investigation of their complaint. Others are helped more by a referral or some coaching as to how they can best present their issue directly to the government agency. Sometimes we can facilitate discussion or mediate problems between citizens and government. All of these methods of service are valid and worthwhile, and an important part of our job is to determine what works best in a given situation.

We are not advocates for the citizens who come to our office. We do not always argue their case to government in exactly the way that they want. We are independent of government, and, in a way, we are also independent of the individual citizen. Our job is to determine what would be a fair outcome in a given situation and then to work to achieve that fair outcome. Sometimes that outcome is exactly what the citizen asked for and sometimes it is not.

With respect to this aspect of our work, the direct service of responding to complaints from the public, one of the things I am proudest of over the past several years is that we have significantly reduced the time it takes for us to respond to complaints. Not all complaints are the same, of course. Some are quite complex and take much more time than others, but our goal is to respond to every person who contacts our office no later than the end of the next business day. Our goal is to have 90% of the complaints that come to our office concluded within three months. We strive to have 95% of the

complaints concluded within six months.

Those are lofty goals. Many matters that come to us are quite complex, but I am proud to say that in 2008 we were able to conclude 91% of the files within three months of initial contact with our office and 94% within six months.

I am also proud of the fact that when we review issues that come before us by way of complaints from the public, we take a broad view of those complaints and a broad view of what "fairness" means. It is not enough that government agencies make good decisions. We expect them to make good substantive decisions, but the public also demands and deserves to have those decisions made in an open, transparent and inclusive manner with input from the citizens most directly affected. We also believe that citizens deserve to be treated with respect while decisions that affect them are being made and when those decisions are implemented. Most people who come to us with complaints have an ongoing relationship with the same agency of government that they are complaining about. It is best for all concerned if that relationship is good, strong, positive, and respectful. Both the citizen and the government agency have important roles to play in establishing and maintaining that positive relationship.

I am pleased to observe that, generally speaking, government agrees that citizens deserve to have substantive, procedural, and relationship fairness. More and more I hear government agencies talking about the need for good "customer service." But, of course, there is still work to be done.

As I reflect on the past four years I am also pleased to see that we have been able to devote more of our resources to broad systemic reviews. It is my belief that if Ombudsman Saskatchewan receives ten complaints in our office this year about the same issue about which we received ten complaints last year, we have not done our job. Part of our job, especially when we see a significant number of similar complaints, is to look below the surface issues to the underlying causes of those complaints. Our systemic reviews allow us to do this. Our job is to promote fairness, to work to ensure that government is using best practices for fairness and to always be striving to deliver its service better and in the fairest way possible. This means that we do not just sit back and wait for the complaints to come to us. We are proactive, seeking out areas of unfairness and using that part of *The Ombudsman and Children's Advocate Act* that allows us to start investigations on our "own motion."

"...every person who comes to our office deserves to have his or her complaint dealt with independently, impartially and with a method of service that is appropriate for his or her needs. We do not belive that 'one size fits all.'"

We have completed a number of these systemic reviews in the past few years and I am very proud of the results. In 2008, for example, I was asked to speak at five different conferences in five different provinces about our *Hearing Back* report. *Hearing Back* is a report that we tabled in the Legislative Assembly in December 2007. It prescribes a best practices model for service delivery by administrative tribunals in Saskatchewan. The report was extremely well received across Canada and cited in a British administrative law journal. It is gratifying to know that others across the country recognize the value and quality of the work being done here in Saskatchewan.

So, what's next? Are there still areas for improvement in the provision of government service? Of course there are. We still have a lot of work to do.

I continue to suggest to government that there is a larger role for "fair practices offices" within ministries and Crown corporations. The Workers' Compensation Board and SGI are examples of agencies that have created internal fair practices offices which act somewhat like an internal ombudsman. They have been successful in encouraging a philosophy of fairness within those organizations and in dealing with individual complaints as unique sets of circumstances. I believe strongly that ministries and other crown corporations would better serve the public if they established similar offices.

We believe strongly in the principle of "people before policy." Government sometimes forgets that policies are created to allow front-line workers to deliver better service, to advance the goals of the program, and to ensure

that the needs that the program was designed to address are being addressed efficiently. Policies are necessary and are generally a good thing. But applying policies too strictly without flexibility sometimes works against the same needs that the program is designed to protect.

We will continue to work with citizens and their government to ensure that there is sufficient flexibility in program delivery to treat everyone fairly. Fair does not always mean "equal." It means "equal in similar circumstances." Government workers need to be given sufficient discretion to allow them to do their jobs well. There is nothing wrong with discretion, as long as the policy allows for discretion and as long as the reasons for exercising discretion in a particular manner are documented.

One of the ministries that is the subject of the most complaints to our office is the Ministry of Corrections, Public Safety and Policing. Most of the complaints to our office come from the Corrections Branch of that ministry. Corrections work is difficult work that usually takes place in very difficult conditions in overcrowded institutions that were designed for inmate populations much smaller than exist today. Given the nature of that work, it should not be surprising that Corrections generates a large number of complaints to the Ombudsman.

It is worth noting, however, that there is much good work being done in this ministry. For example, significant efforts are being made by many people within the ministry to develop, establish and deliver worthwhile training programs. There is a great need for increased programming within the correctional centers. I believe that programming must be provided not just for inmates who are serving sentences, but also for prisoners on remand. One of the greatest factors in determining whether a person will commit another crime after getting out of jail is whether they get a job. Training programs that better equip inmates to find employment are essential.

The Ministry of Corrections, Public Safety and Policing must be provided with sufficient resources to provide this essential programming and to have reasonable space in which to do so.

We believe strongly in the principle of "people before policy."

Due to high inmate populations and overcrowding in the jails, too often we see space that should be used for delivering programs converted instead into overflow bed space. There may not be a great public appetite for providing more money for Corrections but I believe that it is both necessary and serves the long-term public good.

We will continue to promote our service as a "fairness lens" for government. We are pleased that some government agencies, such as SGI and SaskPower, have come to us seeking input about programs that are still in development. We think we have a proactive and useful role to play in providing the benefit of our fairness perspective during the development phase of government programs. This is often better than waiting until programs have been developed and are being delivered and then dealing with issues as complaints made to our office.

I will continue to bring to the attention of government the provisions of sections 12(3) and 12(4) of *The Ombudsman and Children's Advocates Act*. These sections of the Act state that Cabinet and Committees of the Legislative Assembly may refer matters to the Ombudsman for investigation and report. Although neither of these provisions has been utilized since the office of the Ombudsman was first established in Saskatchewan in 1973, I believe my office has a valuable role to play to provide an independent and impartial review of matters that require such oversight. The Act gives the Ombudsman the ability to make public that which he thinks it is in the public interest to make public and to keep private that which he thinks should be kept private. My office has the infrastructure and the expertise to conduct meaningful investigations in which the public can have confidence. It is my hope that Cabinet or a Committee of the Legislative Assembly will utilize my office in a way that was contemplated by sections 12(3) and 12(4) when *The Ombudsman and Children's Advocates Act* was passed into law.

Finally, I want to publicly acknowledge the hard work and dedication of the staff of Ombudsman Saskatchewan in our offices in Saskatoon and Regina. I am fortunate to work with good people who provide a very valuable service to the citizens of Saskatchewan.

Our Role in Health Care

Ever since the first Ombudsman was appointed in Saskatchewan in 1973, our office has been one of the avenues available to people who believe a health care service provider has been unfair to them. This section provides some general information about how patient complaints are managed in Saskatchewan and the role we play in resolving some of them.

Patient Concerns

In recent years, the health care system has been an important topic for many in Saskatchewan and throughout the country. In the midst of personnel shortages and waiting lists, another area requires constant attention: complaints.

Whatever is going on in the bigger picture, patients and their families will always have concerns about their own situations. When there are strains on the system, those concerns can increase. It is vital that people be heard and dealt with fairly, not only in terms of the decisions that are made, but also the processes that are followed and the respect shown to these individuals.

While many concerns are addressed by the professionals who provide care to the patient, there will always be some issues that need extra attention. These often go to the provincial or regional Quality of Care Coordinators (QCCs). In a way, the QCCs act as "Fair Practice Officers" – a function we have been encouraging ministries and agencies to consider. A Fair Practice Officer acts as a kind of internal ombudsman, looking at complaints from a fairness perspective and resolving many of them before they are brought to Ombudsman Saskatchewan. Only a handful of government organizations have this kind of function, but the ones that do tend to resolve issues more quickly, with fewer of them being escalated to the Ombudsman.

When the concerns of the patient have not been addressed satisfactorily by the QCCs, the Ombudsman has an important role to play. We may look at individual complaints, and we also use systemic reviews to look at the bigger picture. Fixing a problem at the systemic level can resolve issues for many people at once and prevent others from encountering it.

Ombudsman Saskatchewan takes its role of health care oversight very seriously. In addition to responding to individual complaints, we take a number of proactive steps.

At times, we meet with health care officials to discuss proactive measures that may help reduce complaints. As with other ministries, we have offered our "Fairness Lens" service. This is a voluntary service where our office reviews a program (often in the planning stages) so that we can offer suggestions to promote fair processes and reduce complaints. We offer workshops on the 'Fine Art of Fairness' for all government employees, including those who work for the Ministry of Health and plan to

propose these to the Quality of Care Coordinators to add to their knowledge of procedural, substantive, and relational fairness, as well as complaint resolution skills.

Finally, we are participating in the Patient First Review that is underway. We are making submissions to Commissioner Dagnone about complaint resolution models in health care and our office's role in promoting fairness for patients.

Health Cases

We receive a total of about 100 health-related complaints each year, which cover a wide range of issues. Here are just a few examples (names are fictitious):

"Why Don't You Trust Me?" (2008 Annual Report) – Adriane's husband was in a long-term care facility, and she was frustrated with the visitation arrangements. These had been set up based on staff's beliefs about her behaviour. Our investigation found that the facility, in cooperation with the Client Representative, acted respectfully and established an appropriate schedule. They also were proactive in creating brochures to prevent future incidents and assist families in understanding their options.

Who Should Pay? (2008 Annual Report) – Complaints about out-of-country medical treatment are often related to the question of who should pay. One such complaint is noted briefly in the Recommendations section of this report.

Infection Control Policies and Procedures – In August 2007, the public was made aware of the potential malfunctioning of an autoclave in the Cypress Health Region. Our office met with the Deputy Minister of Health and the Health Region to find out what actions the government was taking to ensure appropriate infection control measures would be taken throughout the province. When we determined that appropriate steps were being taken, we closed our file without recommendations.

"Travel to Cardiac Rehab" (2007 Annual Report) – Melanie was recovering from a heart attack and needed to attend rehab, but couldn't travel there by bus as directed by Social Services. With our involvement and the assistance of the Client Representative from the health region, she received cab fare to get to her rehab appointments.

"Family Health Benefits for Temporarily Absent Residents" (2006 Annual Report) – Raven and Ralph were studying in the United States and tried to access extended health benefits on a visit home to Saskatchewan. According to Social Services, they were eligible for the benefits, but Health refused because of their "temporarily absent" status. Upon notification of our intent to investigate, Health changed their policy, clearing the path for about 2,800 other residents who were temporarily absent and eligible for extended health benefits.

Health Jurisdiction

Ever since *The Ombudsman Act* was developed in 1973 (later becoming *The Ombudsman and Children's Advocate Act*), the Saskatchewan Ombudsman has had oversight of health care in Saskatchewan. As with other areas within our jurisdiction, we are not involved in deciding what programs government should offer (or their associated budgets), but can review whether programs are administered fairly. For example, we do not have a say in which drugs are in the formulary, but if someone complains that they can't get access to a drug that is on the formulary, even though it is prescribed by their doctor, that is something we can review.

We are also an office of last resort. That is, people come to us when they have tried all the available options and still think the result is unfair. If they come to us prematurely, we provide coaching to help make them aware of their options and any avenues of appeal that they could access.

We can take complaints about:

- the Ministry of Health
- health regions
- hospitals

We cannot take complaints about:

- doctors
- nurses
- chiropractors
- physiotherapists
- paramedics

Complaints From Individuals

Introduction

The concerns people bring to our office vary widely and the examples we offer this year reflect that. In these pages, you will find true stories of people who came to us for different reasons: one was struggling to convince government that he should not have to make a 60-hour bus trip to testify in court, another was feeling stuck by a delay in power service that could be dangerous to overwintering his bees, and another was wondering why the charging officer couldn't be present at a discipline panel hearing in the correctional centre. In these, and a host of other cases, people contact us because they believe a government service has been delivered to them unfairly. They have tried the appeal routes available and remain unsatisfied.

The complaints can be about a wide range of government offices, including ministries, boards, agencies, commissions and Crown corporations. The way we respond to these complaints can be just as wide-ranging. At our office, ACR means Appropriate Case Resolution and it is our aim to address each and every complaint appropriately. For some, that will mean an investigation, for others a facilitated meeting or some coaching to pursue a yet untried appeal process – whatever is appropriate.

Our interactions with government are also varied. Sometimes an initial inquiry from our office is all it takes for a government office to recognize an unfairness and set it right. At other times, we may work through an investigative process that includes gaining access to government files and presenting our findings and recommendations in a more formal way. Whatever the situation, we approach it independently, not acting in favour of the person or of government, but working to determine what is fair.

The individual stories presented here demonstrate that independence and the variety of people, incidents and results that we see each year. Their stories are told with fictitious names to protect anonymity.

Will I be Evicted?

Ministry of Social Services, Housing

April lived in a building complex operated by a provincial housing authority. She received a letter from them that said if they received any more complaints about her, she would be evicted with 30 days notice. April recognized that she was not a quiet person and sometimes raised questions or got involved in the complaints of others. Sometimes other tenants went to her for support. At other times, they were frustrated and complained about her. What April didn't know was what the complaints were actually about. She felt threatened and was afraid to step outside her door for fear she would do something to get evicted.

When April called us, we listened and talked over the situation with her. We contacted the housing authority and they agreed to sit down with April in a meeting facilitated by our office. The meeting would cover:

- the reasons behind the letter,
- the types of complaints received,
- the process for raising issues with the housing authority,
- how they make decisions,
- how they handle complaints.

The meeting was extremely productive and got to the root of assumptions made on both sides. At the end of it, the housing authority understood April better. April understood what the complaints were about and the process the housing authority undertook for dealing with them. She knew that she would have an opportunity to respond to any complaints made about her and what kinds of behaviour to avoid. She believed that she had been heard. Best of all, the housing authority invited her to tear up their letter and make a fresh start.

Winterizing the Bees

SaskPower

Arlo was building a unit on his farm to winterize bees and needed a power upgrade to 200 amp service. He called SaskPower with his request and three months later was still waiting. When he called again, he was told they would come the following week. No one came, so he called back and was told he would have to wait, that there were other jobs ahead of his.

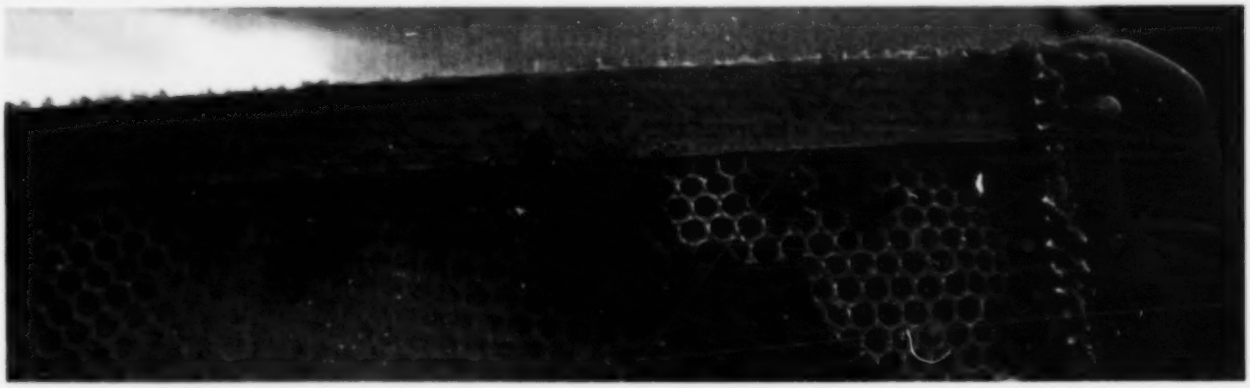
By now, it was getting cooler and fall was coming on. Arlo was concerned about keeping the bees warm and didn't want to continue waiting so he called our office. We made an initial inquiry with SaskPower. They told us that storms in the area had given SaskPower more work in the region than usual and they were behind. There also seemed to be a misunderstanding, based on his last contact with them, about the extent of service required. Upon confirming that it was an upgrade and reviewing their schedule, they told us they would be out to his farm within four working days.

Ease the Pain

Workers' Compensation Board (WCB)

August injured his back more than 20 years ago and has had numerous surgeries on his spine. He receives full compensation from WCB and is considered unemployable. Over the years, his doctors have prescribed various ways to manage the pain, including very potent pain relievers with limited success. Eventually, a neurosurgeon recommended marijuana, which August began using in 1998.

In 2003, August applied to Health Canada for approval to use marijuana for medical purposes. His application included medical declarations from two neurologists that the marijuana was meant to help him deal with the pain from his surgeries, that other conventional treatments were not appropriate, and that the benefits would outweigh the risks. The application was approved.



In addition to the medical marijuana, August was also prescribed Marinol which is a synthetic form of marijuana. For about two and a half years, the WCB covered August's use of Marinol. They then decided to cease coverage retroactively, leaving him with an unpaid pharmaceutical bill of $2,000. Later, they reviewed this decision and decided to pay the bill and continue coverage for a short time so he and his doctor could find alternate treatment.

During this time, August made repeated requests and filed a number of appeals about the WCB's decisions to deny coverage for his medical marijuana and his prescription for Marinol. His doctor affirmed that the Marinol helped August manage his pain and control the nausea he experienced when taking certain other pain medications. The WCB, when making its decisions, referred to the "indications" listing in the Saskatchewan Health Drug Formulary Plan or the Compendium of Pharmaceuticals and Specialties. Based on this information, the WCB said that Marinol was really only indicated for severe nausea and vomiting associated with cancer chemotherapy and for Aids-related anorexia. It was not indicated for other types of pain management or nausea control.

August contacted us and we investigated. We reviewed the WCB's policy on reimbursement for medications. It states that approval be based on the following criteria:

a. *it is prescribed by the treating physician*
b. *it is appropriate and needed to treat the compensable injury and/or*
c. *the use of the medication corresponds to the indications listing in the Saskatchewan Health Drug Formulary Plan or the Compendium of Pharmaceuticals and Specialties, or*

Accolades

In the midst of a busy work day, it can take extra effort to make sure fairness prevails. It may mean taking the time to listen, providing a service to someone who has been left out, or offering an apology.

The beginning of fairness is showing respect and to those of you whom we caught in the act, thank you. We offer our Accolades to the following government employees for supporting fairness in 2008.

Glen Gordon
Manager, Security
Prince Albert Provincial Court

Thanks for willingly offering a written apology to two accused who were taken from the police cells to court without their coats.

Candice Dilschneider
Regional Supervisor
SaskPower
Yorkton Region

Thank you for giving a customer the benefit of the doubt and writing off a disputed charge when it could not be proven.

d. *it is approved by the Workers' Compensation Board (WCB) Medical Consultant.*

While we could understand that WCB's usual preference is to follow the Formulary Plan or Compendium, we also saw some room in their policy to weigh the options and approve coverage for August's use of Marinol. We were aware that the College of Physicians and Surgeons supports evidence-based medicine and was not certain of the safety and efficacy of the use of medical marijuana. However, they still permit licenced physicians to prescribe Marinol and medical marijuana, the latter with Health Canada approval. Two specialists, as well as August's family doctor, supported his use of Marinol and confirmed that it was successfully treating his pain.

As a result of our findings, we recommended that the WCB approve payment to August for his use of Marinol. WCB did not accept our recommendation and continued to be of the view that its use for the condition August suffered was not in keeping with the College's position supporting evidence-based medicine. In particular, they told us that they do not approve any medications that are not in the formulary. While they did not accept our recommendation, they were prepared to seek other evidence on the treatment. We were unable to find a remedy for August but we were hopeful that the Board was prepared to study the issue, which leaves the door open to reconsidering our recommendation.

Out of the Blue

Ministry of Social Services,
Building Independence

Anne was very ill and couldn't work and her fiancé was receiving Employment Insurance. When the insurance ended, they applied for the Transitional Employment Allowance (TEA) and received some help from TEA and Social Assistance for a few months.

More than a year later, Anne was surprised to receive a letter from the TEA program stating that she had been overpaid and owed more than $1,000. She called to find out more about it. They told her that she could not appeal the overpayment because it had been owing for more than 45 days. Anne did not think this was fair and called our office.

She told us that she had not received notice of the overpayment until it was too late to appeal. Her mailing address had not changed.

We made an initial inquiry to the Ministry and they reviewed her file. They found that the file had been closed prematurely, making it appear that there was an overpayment when there was not. They removed the overpayment and sent Anne a letter to confirm that she no longer owed the money.

I Owe How Much?

Ministry of Social Services,
Building Independence

Adela is a working single parent with two children. A few years ago, she received Social Assistance, then switched to the Provincial Training Allowance while attending classes, and then got a job. During much of that time, she also received Child Care Subsidy payments. She had also had a partner and they had lived together off and on. After she was employed they lived together as a family, but her partner then passed away.

After his death, the Ministry of Social Services received an anonymous tip that Adela had been living common law for three years while receiving benefits. They reassessed her eligibility for the Child Care Subsidy and calculated an overpayment based on that anonymous tip. They sent her a letter stating that she had been overpaid by $12,800 and must pay it back.

They also shared this information with the Ministry of Advanced Education, Employment and Labour, which prompted a recalculation of the Provincial Training Allowance, putting her into an overpayment situation with them as well. They also removed her debt reduction and Student Loan remission amounts.

Adela called Social Services to explain that yes, she had a partner while receiving benefits, but he only lived with her for part of that time and she did not think it was fair that the recalculation assumed she was living with him the whole time. She did not have any proof of this and the ministry did not change their assessment. She was placed on a payment plan and had to start paying the money back. She then contacted our office.

Dwayne Mills
Director
Pine Grove Correctional Centre

Thank you for reconsidering an inmate's request for a contact visit. Even though the visiting room was temporarily unavailable, you made arrangements so she could hold her two-year-old child.

Terry Wasylynka
Supervisor of Collections
SaskPower

Due to your fact-checking, power was quickly and rightfully restored to a single mom with very young children. Thank you.

Mark McFadyen
Deputy Director, Operations, Regina Provincial Correctional Centre

Mark, your helpfulness and attention to fairness on two different cases earned you Accolade nominations.

Thank you for taking an inmate's concerns about safety seriously, which enabled him to transfer to another correctional centre.

Thanks also for your quick response to our inquiries about two inmates who wanted to vote but had been overlooked.

Our staff note that you consistently go above and beyond expectations!

We investigated the matter and found that both ministries had accepted the anonymous tip without question or verification. It had come in the form of an anonymously-delivered information package, which included a letter from a lawyer's office that Adela claimed was not accurate. We worked with Adela to provide proof of when she was living common law and when she was living as a single parent. The ministries accepted this information and reassessed her eligibility for the Child Care Subsidy during that time and recalculated her overpayment, which changed from $12,800 to $4,700. The Provincial Training Allowance was also recalculated and the overpayment was reduced, and she became eligible for the appropriate debt reduction and Student Loan remission amounts.

Damaged by Fire

Office of Residential Tenancies

Ariel owned rental units that were damaged by fire. She applied to the Office of Residential Tenancies for security deposits and loss of rent claims from four tenants. She expected to attend a hearing about her application and thought it was unfair when the decision was provided to her without a hearing. Ariel contacted our office.

We conducted an investigation into Ariel's complaint and found that, when tenants do not dispute the claim notice sent out, *The Residential Tenancies Act* allows the Office of Residential Tenancies to review the claims and make a decision. That is what happened in Ariel's case. Further, we found that Ariel had submitted her claims late. Even though they were outside the seven day time limit, the office had been lenient with her. They wanted to document why they were allowing her to apply late and were asking her to provide a reason for the late application. They were also lacking proof of damage and information about the cause of the fire.

They tried to contact her several times without success. Finally, they made the decision based on the information available to them.

We found that the Office of Residential Tenancies acted fairly and we made no recommendations.

Too Wet to Seed?

Saskatchewan Crop Insurance Corporation

One spring, Albert was planning to seed most of his land, but there was a lot of rain and he was unable to seed some areas by the seeding deadline date to still have crop insurance coverage. He made an "Unseeded Acreage Claim due to excessive moisture" claim with Saskatchewan Crop Insurance Corporation (SCIC) and an adjuster came to his farm to appraise the unseeded fields. Later, SCIC sent Albert a letter stating that his claim was denied because there had been adequate opportunity in his rural municipality(RM) to seed all his land before the seeding deadline date. Albert disagreed and appealed the decision to the regional manager, and then to the Provincial Appeal Panel. He was denied both times.

Albert knew that his fields had been too wet to seed and was frustrated that he couldn't convince SCIC, so he called our office.

We investigated and found that SCIC had reviewed their files to see how many other claims for unseeded acres

they had paid out in that RM. There were none. As a result, SCIC concluded that, like others in the RM, Albert should have been able to seed his land.

When we looked at the SCIC adjuster's report, the adjuster had recorded that Albert's land, as stated on the claim, was too wet to seed. We also noted that Albert's land was at the very edge of the RM. In the RM next to his, there had been many claims for fields that were too wet to seed. We checked with the nearest weather stations and noted the rainfall for that area. Based on the evidence of rainfall amounts, similar claims on nearby fields, and the SCIC adjuster's report, we concluded that SCIC's decision was unfair and we made a recommendation that SCIC reconsider and Albert be paid out for the claim.

Our recommendation was rejected initially and we decided that we needed to further address the matter and spell out our findings in greater detail. To do so, we issued a report to the Minister of Agriculture under Section 24 of *The Ombudsman and Children's Advocate Act*. We also discussed the case further with the Chair of SCIC, the Minister, and some of the members of the Appeal Panel. Following these steps, the Minister of Agriculture and the Chair of SCIC reviewed the file and the weather data for the two RMs and the land location. As a result, they accepted the recommendation and paid out Albert's claim.

SCIC also changed their policy and will now compare conditions within a radius of the property rather than comparing conditions in the RM or township.

Susan Hollinger
Supervisor
Social Services Contact Centre

Thank you for reviewing the case of a mother who was receiving the Transitional Employment Allowance (TEA), but who had trouble getting consistent day care services so she could look for work. You approved a space for her at a day care. She was also having trouble getting enough food for the two of them and you were able to get her quick access to more benefits that she was eligible for.

Debra Wiszniak
Client Representative
Regina Qu'Appelle Health Region

Thank you for responding quickly to a woman's concerns about her elderly mother, who was hospitalized after a fall and could no longer feed or care for herself. She was awaiting nursing home space and needed additional support while in hospital. The daughter had contacted several agencies to provide this service and was desperate. You were able, in short order, to assist with arrangements that resulted in support for the mother and peace of mind for the daughter.

Cathy Yasinowski
Program Manager
Rental Repair Program
Ministry of Social Services

Tim Gross
Associate Executive Director
Housing Development
Affordable Housing, Regina

Thank you for providing extra attention to a grant applicant who had a great deal of difficulty communicating, and who needed emergency assistance. With your help, he was able to get the furnace and water heater he needed for winter.

Why Don't You Trust Me?

Health Region

Adriane contacted us because she was not satisfied with the visitation arrangements with her husband, Arthur. Arthur was an 83-year old veteran living in a health region long-term care facility. Adriane told us she was only allowed to visit him with a security guard present. She said that the facility claimed she treated their staff and her husband badly, but it was not true and was not proven. She also said that a staff member had told her to shut up, but no one would believe her.

Shortly after her call, Adriane began working with the health region's Client Representative who arranged meetings and helped her sort out her concerns with the facility. A few months later, Adriane was still dissatisfied and upset and contacted our office.

We decided to investigate the matter, and shortly after we began, Arthur died. We chose to continue the investigation to provide some closure for Adriane and because she was now concerned about other residents.

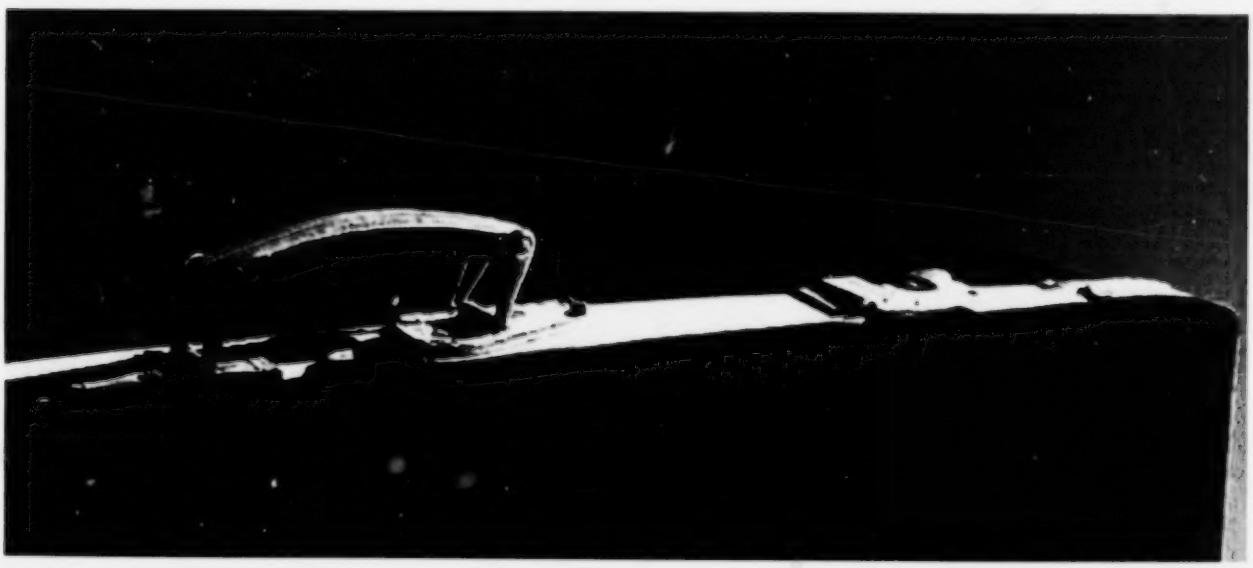
The investigation found that the facility deemed Adriane a safety risk to Arthur and other residents and staff. From the time Adriane had first contacted our office, the facility had arranged a series of meetings between Adriane, her children and the Client Representative. The meetings included discussion of Adriane's behaviour and the behaviour of the staff towards her. They had been able to work out an arrangement that addressed staff concerns about the safety of her husband and other residents, and Adriane's own wish for some private time with her husband. Adriane's children were in agreement with the revised schedule and believed the issues were resolved, even though Adriane was not completely satisfied.

To help prevent other misunderstandings with families, patients and staff, the facility also produced two brochures. These explained where families of residents could take concerns about care, visitation, or interaction with staff. The brochures were intended to promote respect among staff and families, as well as an awareness of the recourse available if concerns arise. We saw this as a positive step to address future issues and we closed the file as "situation improved."

60 Hours by Bus

Ministry of Justice,
Public Prosecutions

When Andy was a police officer, he made an arrest in an impaired driving case. He had since retired and moved to another province. Upon receiving the subpoena to testify in court, Andy wrote to the Crown Prosecutor's office requesting travel expenses. He received no response, so he called. He was told he would be provided with a bus ticket and that he would be charged with contempt if he didn't appear. The round trip by bus would take 60 hours: 47 hours riding and the other 13 waiting for connections. By car, the trip would take 10-12 hours each way. Neither were good options for Andy, who provided a note from his



doctor stating that he had a medical condition that would make these long trips unsafe. The response was unchanged: take the bus.

When he could get no other response, Andy called our office. We advised that he look after his health and book a flight, then file a complaint with the Regional Crown Prosecutor to see what could be done about the expenses. He paid $1,200 for his flight and hotel stay. While in Saskatchewan, he delivered his letter of complaint to the Regional Crown Prosecutor. His complaint was then reviewed and his money refunded.

Can I Change My Mind?

Ministry of Corrections, Public Safety & Policing, Prince Albert Provincial Correctional Centre

While in jail awaiting sentencing, Alex was accused of assaulting another inmate. As a result, he had to appear before the correctional centre's discipline panel – a panel of three correctional centre staff who conduct a hearing to determine what happened and assign consequences. The corrections officer who charged him was not present and Alex agreed to proceed without him. As the hearing proceeded, however, he asked if the charging officer could be present. This request was denied.

The discipline panel found Alex guilty and he was placed in confinement for 10 days with no phone privileges. Later, he complained to our office because he did not think it was fair of the discipline panel to deny his request for the charging officer to be present.

We began an investigation into Alex's complaint. The correctional centre told us that once an inmate agrees to pro-

Lorraine Snell
Manager
Social Services Contact Centre

Sherry Little
Assistant Manager
Saskatchewan Child Benefit /
Saskatchewan Employment Supplement

Brandon Little
Director
Urban Operations

Thank you for working together to help a deaf senior whose rental supplement was discontinued because of a smoke detector bylaw. You were able to help her cut through the red tape and receive the supplement once more.

Lynne Szuba
Tenant Services Coordinator
Regional Housing Authority

Janice May
Tenant Services Administrator
Regional Housing Authority

Barb Wright
Recreation Coordinator
Regional Housing Authority

Many thanks for your willingness to come to the table to discuss a delicate issue, and for giving the complainant an opportunity to start over.

ceed without the charging officer, and the hearing is underway, they will not call the charging officer in. In addition, the chair was satisfied with the report and did not think it necessary to call in the charging officer.

Having reviewed the matter, our office concluded that Alex's request should have been granted based on the laws of natural justice – essentially fair play in action. We concluded that, based on the lack of fair process, the charge should be removed from his record. We recommended they do so and inform Alex in writing.

The ministry's initial response was that they thought their decisions in Alex's case were fair and would not make a change.

Upon further consideration, the ministry agreed to reverse their decision about Alex. Since he was by now, no longer in jail, they would write to him, informing him of the change on his record.

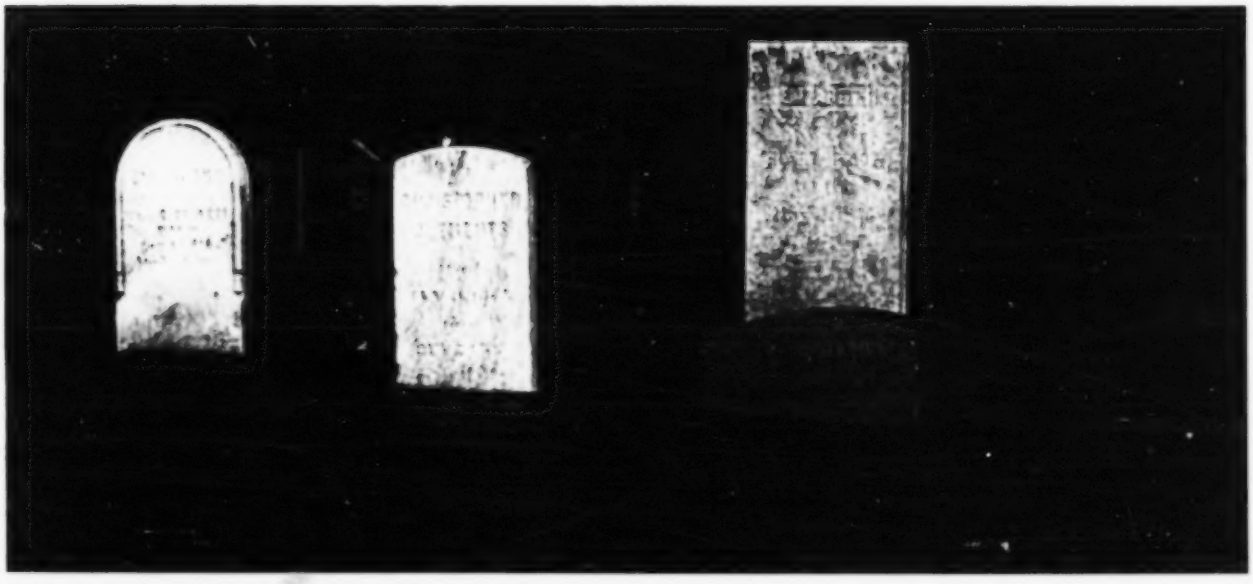
Have I Seen You Somewhere Before?

Ministry of Justice, Consumer Protection

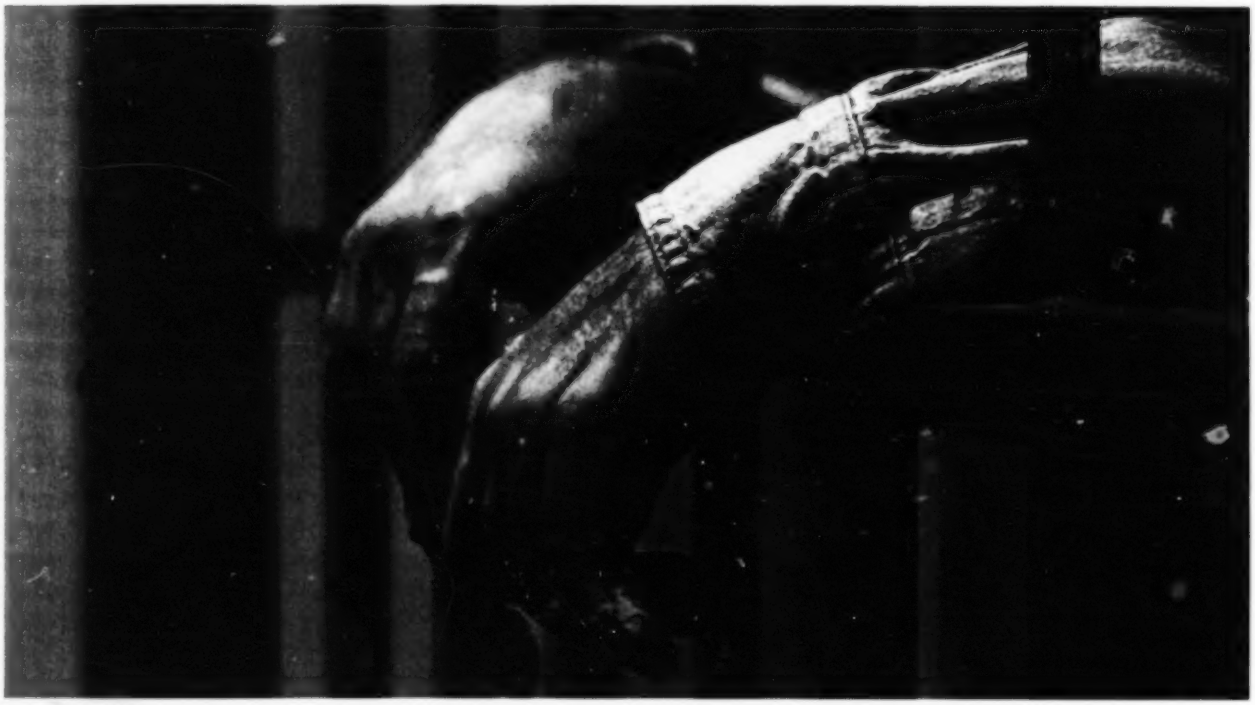
Before Abbey's father passed away, he made arrangements for his burial with a privately-owned cemetery. Sometime later, the cemetery was taken over by the province and a manager appointed. After Abbey's father passed away, she had some questions and concerns about the cost of the arrangements, so she contacted the manager. She was not satisfied with his response and sought out recourse at the Consumer's Branch in the Ministry of Justice – only to find that she was dealing with the same person!

Abbey did not think the prices were fair and she did not think that she should have to appeal to the very person with whom she was having a difference of opinion. She called our office.

Our investigation found that while the costs were comparable to those charged by other cemeteries, the same person should not manage the cemetery and take complaints about it. Even though she received a fair decision, the process was unfair. We recommended that the Ministry no longer allow this dual role to exist and they agreed.



Systemic Reviews



Introduction

Systemic reviews look at the broad issues affecting a group of citizens and/or the community at large. These issues come to our attention in different ways. Sometimes several people come to us with the same complaint, and sometimes one person brings a complaint with provincial implications. Systemic investigations can take several months to complete and require dedicated resources. Though equally as important as our investigations into individual cases, systemic reviews tackle the comprehensive policy or structural concerns raised to us about government services. The goal of systemic reviews is to effect change that will provide a collective benefit to those most affected.

Electronic Conducted Device (ECD) Use and Policies in Correctional Centres

Ministry of Corrections, Public Safety and Policing

On July 29, 2008 Ombudsman Saskatchewan tabled a report titled "My Brother's Keeper: A Review of Electronic Control Devices in Saskatchewan Correctional Centres Housing Male Inmates."

The report reviewed the ministry's decision to implement ECD technology in its adult male correctional centres. The policy governing use of the devices was to take effect in October 2007, with full operational implementation in January 2008. In September, an inmate was shot with an ECD, prior to the official implementation date. An internal review followed and in November 2007, implementation of the devices was suspended. On November 21, 2007 the Ministry suspended the use of ECDs in adult correctional centres.

While the Ombudsman was satisfied with the results of the internal review and the decision of the ministry to suspend the use of ECD technology, on November 26, 2007 he initiated a review into how and why the ministry chose to introduce ECDs into provincial correctional centres. The review focused on two questions: Did the ministry adequately review the risks and benefits of the technology to support its decision to introduce ECDs? If introduced, did the ministry have the sufficient policy and program supports in

place to effectively manage, monitor and control the use of ECD technology in adult correctional centres?

The report recognized that, while the ministry did take some important steps, there were several key concerns that needed to be addressed, including:

- a lack of objective and independent information to support the need for ECD technology in correctional centres.

- an unsubstantiated claim that the technology is "medically safe to use on inmates housed in correctional centres."

- failure to consult with stakeholders such as health regions, community hospitals, the John Howard Society, FSIN, or inmates themselves.

- an absence of training for correctional centre medical staff who would be expected to respond after incidents of ECD use.

- incomplete policy and operational guidelines about when and under what circumstances the ECD device would be used.

- deficient operational guidelines and reporting requirements related to how many times an inmate could be shot with an ECD device during a single incident.

- inappropriate classification of the ECD as an intermediate weapon category instead of an impact weapon category.

In all, the report contained 21 recommendations, many of which related to what would be required should the ministry consider using ECDs in correctional centres. The ministry, following a review of our report along with several other national reports, determined that ECD technology would not be introduced into the adult correctional centres.

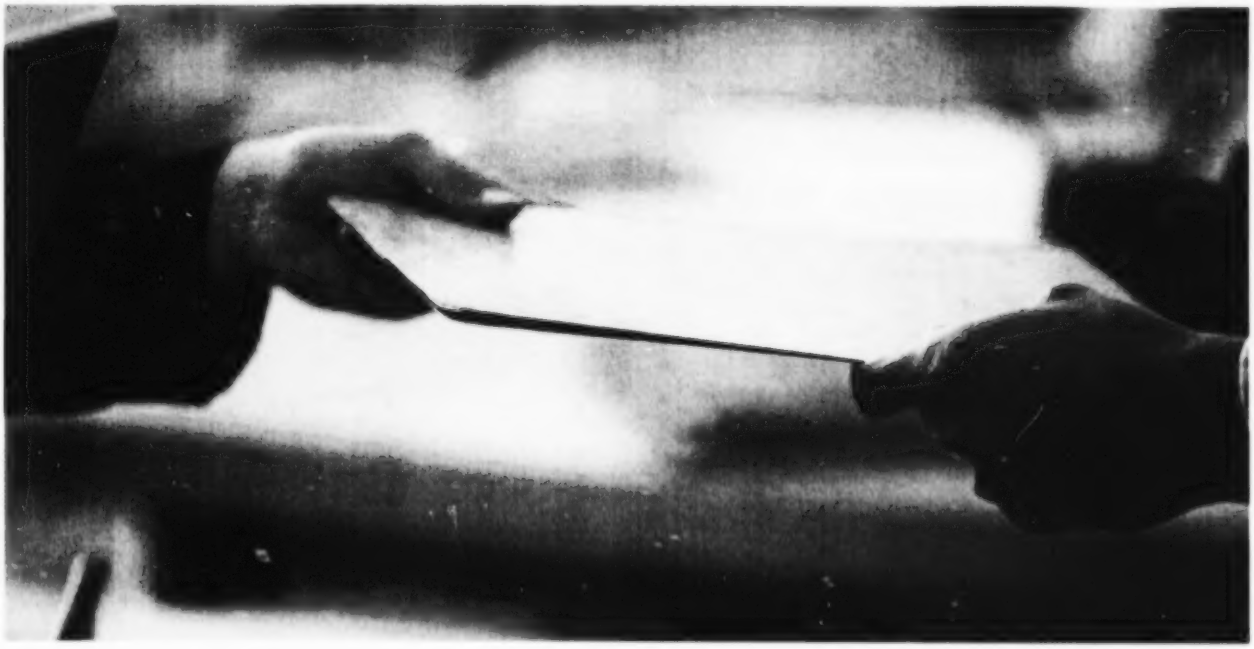
The Collection of Overpayments in the Saskatchewan Assistance Plan
Ministry of Social Services

Currently the Ministry of Social Services is collecting alleged overpayments in the Saskatchewan Assistance Plan (SAP) program through the Canada Revenue Agency. An overpayment occurs when a SAP recipient is alleged to have received a benefit the ministry believes they were not entitled to receive. This is called an overpayment. Once a person leaves SAP the ministry can, and will in many cases, request that the person's federal entitlements (income tax refunds) be taken away by the Canada Revenue Agency and be sent to the provincial government to repay the overpayment. On September 18, 2007 the Ombudsman initiated a review into this practice. The review, which is nearing completion, will focus on decisions made in the SAP program about overpayments and whether these decisions are fair, reasonable and lawful. The results of this review will be reported in next year's annual report.

Training for Administrative Tribunals – A Made-in-Saskatchewan Solution!

As a follow up to our 2007 report, *Hearing Back: Piecing Together Timeliness in Saskatchewan's Administrative Tribunals*, we noted a lack of training available to Saskatchewan's administrative tribunals. Effective and accessible training can support and improve the functioning of tribunals, and our report recommended training be made available to the tribunal community. Not seeing this training available and after many requests from the community of tribunals for training material we decided to develop a made-in-Saskatchewan training package designed for administrative tribunals. This package will be completed next year and will be made available to government and to the tribunals. This package will benefit all 55 administrative Tribunals and as a result will potentially benefit thousands of Saskatchewan residents.

Recommendations



All names in this section are fictitious to provide anonymity to the complainants.

Accepted Recommendations

How Did I Get Into This?

Ministry of Corrections, Public Safety and Policing, Prince Albert Correctional Centre (PACC)

Four different inmates complained of being placed in the Violence Reduction Program unfairly. The program attempts to reduce violence by segregating gang members or those who have shown themselves to be violent. Upon examination of their files, we did not find any compelling information that would place these men in the program. Nor was there any concrete explanation provided to them about why they were there.

Recommendations:

1. That where a decision has been made to place an inmate in the Violence Reduction Program, the inmate's file should contain the reasons that led to this conclusion.

2. That an inmate should be provided with the reasons for placement in the Violence Reduction Program in writing and should sign the document acknowledging receipt of the document. It is to be made clear to the inmate that acknowledging receipt of the document does not mean agreement with its contents.

What Happened Here?

Ministry of Corrections, Public Safety and Policing, Prince Albert Correctional Centre (PACC)

While investigating a complaint, we noticed that required documentation had not been placed on his file.

Recommendation: The Ministry of Corrections, Public Safety and Policing reinforce to all correctional centres the importance of ensuring that inmate's files contain the proper documentation, and take the necessary steps to ensure that such documentation is complete and contained in inmate files.

Some Privacy, Please

Ministry of Corrections, Public Safety and Policing, Pine Grove Correctional Centre

In the course of an investigation about another matter, we found that Anita had been skin searched and then left naked for 40 minutes.

Recommendation: That the Ministry of Corrections, Public Safety and Policing send an apology to Anita at her last known address.

Can I Change my Mind?

Ministry of Corrections, Public Safety and Policing, Prince Albert Correctional Centre (PACC)

Alex was accused of assaulting another inmate and had to appear before a discipline panel. Although he initially agreed to proceed in absence of the charging officer, he changed his mind partway through and requested that the officer be present. This was denied.

Recommendations:

1. That the Prince Albert Correctional Centre amend Alex's record to reflect that the conviction for fighting occurring on August 29, 2007 should have been overturned as a result of an error.

2. That the Prince Albert Correctional Centre forward to Alex at his last known address a letter to advise him that his record has been amended to reflect the conviction for fighting has been overturned.

Missing Property

Ministry of Corrections, Public Safety and Policing, Regina Correctional Centre (RCC)

Corrections staff failed to document their actions or follow standard operating procedures after a move from one cell to another, which resulted in Anthony's property going missing. After requesting reimbursement, Anthony was advised that if he withdrew his request for compensation he would be allowed to bring in new property.

Recommendation: That the Ministry of Corrections, Public Safety and Policing pay to Anthony the sum of $350.00.

Crowded Conditions

Ministry of Corrections, Public Safety and Policing, Saskatoon Correctional Centre (SCC)

Inmates at SCC complained about a portable open toilet that was placed in a gymnasium that was used to temporarily house inmates. We conducted a surprise visit and arranged for a second visit with public health officials. The officials confirmed that the presence of the open toilet – which was not completely enclosed or vented and was too close to a food preparation area – constituted an unsafe practice.

Recommendation: The Ministry of Corrections, Public Safety and Policing agree that if it is necessary to locate inmates in the gymnasium it will provide the inmates with appropriate washroom facilities that are in compliance with standards normally prescribed by public health officials for public washroom facilities.

Visitation Privileges I

Ministry of Corrections, Public Safety and Policing, Saskatoon Correctional Centre (SCC)

After a visit from Angie, Ambrose's behaviour was impaired, so he was given five days in confinement and was no longer allowed contact visits with non-professionals. Our investigation found that he was observed during the visit and was skin-searched afterwards, with nothing suspicious seen or discovered. Standing orders at SCC provide for the inmate's visiting privileges to be suspended and his visiting status reviewed if he is found to be in a "condition other than normal" within 48 hours of a visit. The intent of the orders is to "establish standards that may be used to prevent, discourage and detect illicit drug use." The standing order makes a blanket assumption that the drugs must be the result of the visit, but in cases like this one, that can be rebutted (or disputed) because of the constant observation and the skin search afterwards.

Recommendations:

1. That Corrections acknowledge that the presumption created by the standing orders is a rebuttable presumption.

2. That Corrections remove the non-contact visiting restriction placed upon Ambrose unless there is evidence to suggest it is appropriate.

Sprayed Twice

Ministry of Corrections, Public Safety and Policing, Prince Albert Correctional Centre

Adan was engaged in a struggle with Corrections Workers when they tried to move him to a holding cell. He complained about his treatment, which included being pepper sprayed: once during the struggle, and once afterward when he was in the holding cell.

Recommendation: That the Ministry apologize to Adan as it was not necessary to pepper spray him a second time.

Who Should Pay?

Ministry of Health

Ariana disputed the government's refusal to pay out-of-country medical expenses because of a lack of prior approval. Our investigation found that, while this policy is sound, an overly strict adherence to it can result in unfairness.

Recommendation: That the provincial government pay to Ariana those costs that would have been paid had it been determined that the services provided qualified for out-of-country coverage.

Have I Seen You Somewhere Before?

Ministry of Justice, Consumer Protection

After the province took over a cemetery, Abbey met with the manager to complain about the fees and services related to her father's funeral. When she was not satisfied with his response, she sought out recourse at the Consumer's Branch in the Ministry of Justice – only to find that she was dealing with the same person!

Recommendation: That the Ministry of Justice design and implement an independent process to address conflict between a consumer and the Director of Consumer Protection in those instances where there is a complaint regarding the services provided by a cemetery, and the Director is also the Managing Administrator of the cemetery.

Power of Attorney

Ministry of Justice, Public Trustee

Anders was concerned that his brother, who had power of attorney over their uncle, was stealing from him. After his request for an accounting went unheeded, he asked the Public Trustee to take his brother to court – but the Public Trustee had no policy about when to go to court if a power of attorney refused to do an accounting.

Recommendation: That the Public Trustee develop policy with respect to the receipt of a request to demand an accounting under section 18 of *The Power of Attorney Act* and that this policy provide for circumstances in which the Public Trustee will demand an accounting as contemplated by that section of the Act.

Too Wet to Seed?

Saskatchewan Crop Insurance Corporation (SCIC)

SCIC denied Albert's claim that some of his land was too wet to seed by the seeding deadline for crop insurance coverage. Based on their adjuster's report, similar claims for nearby fields, and weather station rainfall amounts, we found that the decision to deny coverage was unfair.

Recommendation: That Albert's Unseeded Acreage Claim is accepted as determined by the adjuster.

Note: This recommendation was initially declined and we issued a report to the Minister of Agriculture under Section 24 of *The Ombudsman and Children's Advocate Act*. We discussed the report with the Chair of SCIC, the Minister of Agriculture and some of the members of the Appeal Panel, which led to acceptance of the recommendation.

Grasshoppers or Heat?

Saskatchewan Crop Insurance Corporation (SCIC)

SCIC denied Mike's durum claim on the basis that the loss was caused by an Uninsured Cause of Loss (UCL). They said the cause of the loss was grasshoppers and Mike should have sprayed – but a chemical company's biologist's report said their test plot on the same land failed due to heat and lack of moisture, even though they sprayed for grasshoppers.

Recommendation: That the Saskatchewan Crop Insurance Corporation accept Mike's post harvest Durum Wheat claim and compensate him accordingly.

Note: This recommendation was reported in 2007 as not accepted. Since then, SCIC revisited the file. They determined that, although policy and procedures had been followed, the end result for Mike was not entirely fair. They therefore reversed their decision and accepted our recommendation.

Old Policy

Workers' Compensation Board (WCB)

Based on information on the WCB website, Ardith believed that her claim should have been accepted, but it was not. The policy on the website was outdated and no longer used to assess claims like Ardith's.

Recommendations:

1. That the Workers' Compensation Board publish on its Website the present policy with respect to the adjudication of stress related claims.

2. That the Workers' Compensation Board provides my office with its policy once it has been posted on the Website.

Vacated

SaskPower

When Amelia's tenants left without notice, they were in arrears on their SaskPower bill and the power had been cut off. By the time Amelia found out, the lack of power had ruined a fridge. She believed that the Landlord Service Transfer Agreement (LSTA) she had signed with SaskPower would ensure that situations like this could be avoided. Our investigation found that the reasons behind the situation were partly the result of the wording of the LSTA, which required clarification and that SaskPower had not followed their own practice of attempting to notify the landlord prior to disconnecting the power.

Recommendations:

1. SaskPower provide compensation to Amelia in the amount of $769.00.

2. SaskPower to comply with Condition 3 of the Landlord Service Transfer Agreement regardless of season.

3. SaskPower accept "consents" from tenants to release information to landlords.

4. SaskPower amend the Landlord Service Transfer Agreement so as to make clear the distinction between "disconnecting from billing" and "disconnect."

Recommendations Partially Accepted

Visitation Privileges II

Ministry of Corrections, Public Safety and Policing, Saskatoon Correctional Centre

Angie also complained to our office about the results of the visit with Ambrose (see Visitation Privileges I, p22).

Recommendations:

1. That the record be corrected to show that there was no evidence to suggest that Angie was responsible for the condition of Ambrose following their visit (not accepted).

2. That Angie's status as a visitor be restored in the event that she is placed on an inmate's visiting list. (accepted).

Recommendations Not Accepted

Stolen TEA Money

Social Services Appeal Board

Annabelle said the money from her Transitional Employment Allowance (TEA) benefit was stolen after she cashed the cheque. While Social Services believed her, they would not provide her with any replacement or emergency funds. There were instructions in the policy for dealing with lost cheques, but nothing about lost or stolen cash. Annabelle appealed to the Regional Appeal Committee and then the Social Services Appeal Board, but was still denied. We noted that, based on section 25 of the regulations, the Social Services Appeal Board has the ability to provide "temporary assistance in special circumstances." Based on this section, the board is not limited to interpreting and applying departmental policy but rather has broader discretion to make decisions within the framework of the legislation.

Recommendation: That the Provincial Appeal Board acknowledge that it is not bound by the department policy and that it has the discretion to make decisions that are appropriate to the circumstances of the appellant.

Save Our Home

Ministry of Social Services, Income Assistance

Ada and Abe were on Social Assistance and could not get funds to pay for back property taxes. They hoped to mortgage their home to pay the back property taxes, and then request a Social Assistance shelter allowance to make the mortgage payments. This would be just for three years until Abe would be eligible for Old Age Security benefits. Social Services would not agree. When Abe and Ada appealed, Social Services did not present all the policy information to the Social Services Appeal Board and the appeal was denied. Had all the information been presented, the Appeal Board may have made a different decision.

Recommendations:

1. That the Ministry of Social Services provide Ada and Abe with the maximum monthly shelter allowance until such time as Abe either receives Old Age Security Benefits or they are no longer eligible for Social Assistance Benefits. This shelter allowance is to be applied directly from the Ministry to Abe and Ada's lending institution on a mortgage that is or will be arranged against the equity of the home in order for them to pay off the total tax arrears owed to the city, as is allowed under Policy 16.19 of the Social Services Program Manual.

2. That the Ministry communicate directly with the Property Taxation Department of the city prior to January 15, 2008, to advise of the intent to assist Abe & Ada and to avoid having the title transferred as of that date.

Ease the Pain

Workers' Compensation Board (WCB)

August injured his back more than 20 years ago and has had numerous surgeries on his spine. He receives full compensation from WCB and is considered unemployable. His doctor and two specialists believe that Marinol and Medical Marijuana have helped control the pain where other medications have been less successful. WCB would not approve August's requests for these substances because they were not on the formulary and not indicated for back pain.

Recommendation: The Workers' Compensation Board approve payment to August for his prescription of Marinol and Medical Marijuana.

Note: We were unable to find a remedy for August but we were hopeful that the Board was prepared to study the issue which leaves the door open to reconsidering our recommendation.

Workshops and Presentations

Workshops

Every day, government employees make decisions that affect people's lives. Sometimes those decisions are accepted and sometimes they are challenged. Sometimes people complain that the decision was unfair, or the process used to reach the decision was unfair, or that the way they were treated during that process was unfair.

Each of these elements (the substantive decision, the process, and the relationship) are all important in achieving a fair result. Ombudsman Saskatchewan offers "Fine Art of Fairness" workshops to assist government in understanding and practicing fairness.

Here is a list of the workshops we conducted in 2008:

"Fine Art of Fairness" Workshops

- Ministry of Social Services, Centre Region
- Ministry of Social Services, Centre Region & Adult Corrections, Saskatoon
- Administrative tribunal version of workshop for mixed government group, Regina
- Open workshop for anyone in government, Saskatoon
- Open workshop for anyone in government, Regina
- Saskatchewan Assessment Management Association (SAMA)
- Saskatchewan Association of License Inspectors and Bylaw Officers
- Cornerstone School Division
- Ombudsman Manitoba

Presentations

In addition to the workshops, we offer presentations to a wide variety of groups. Many of these sessions are about who we are, what we do, and how we look at fairness. We offer presentations to university and high school classes. We have worked with the Ministry of Education to link information about our office into their system of online curricula. We also developed a portion of our website especially for students and teachers. Information about our office is appropriate for several courses of study, including Law, Social Studies, History and Human Justice.

The Ombudsman was also invited to speak in various conferences in 2008, as a result of the *Hearing Back* and *My Brother's Keeper* reports.

A unique trip in October provided the Ombudsman with the opportunity to

represent Canadian ombudsman at a conference in Brazil. The cost for this trip was paid for by the office of the General Ombudsman of Brazil.

Class Presentations

- Law 30 Class, FW Johnson Collegiate (2 classes), Regina
- Loreburn Central School, Grades 9-12, (2 classes), Loreburn
- History, Grades 10-12, Westcliffe School, Marengo
- Law 30 Class, Bruno School, Bruno
- Justice & the Law in Canada, University of Regina
- Mediation & Dispute Resolution, University of Regina
- Penology & Corrections Class, University of Saskatchewan
- Corrections Workers Introductory Training (2 classes), Regina Provincial Correctional Centre
- SIAST Corrections Worker Training, Prince Albert

General Presentations

- Senior Power, Regina
- Golden K Kiwanis Club, Saskatoon
- All Nations Hope, Regina
- Canada Post Heritage – Golden Sheaf Chapter, Regina
- Human Service Agencies Community Networking Lunch, Saskatoon
- Northgate Walkers, Regina
- Weyburn Chamber of Commerce
- Information Day and Trade Fair for MLAs and Constituency Assistants
- Open Door Society, Saskatoon
- Farm Land Security Board, Saskatoon
- Income Security Staff, Ministry of Social Services, Saskatoon
- BC Ombudsman Office
- Legislative Interns, Regina
- Saskatchewan Crop Insurance Corporation, Saskatoon

Conference Presentations

- Federation of Canadian Ombudsman intake conference, Toronto
- Canadian Institute for the Administration of Justice Conference, Gatineau, Quebec
- Foundation of Administrative Justice Conference, Edmonton
- Conference of Ontario Boards and Agencies, Toronto
- Saskatchewan Institute of Public Policy (SIPP) Lecture, Regina
- Forum of Canadian Ombudsman "Working Behind Prison Walls" conference, Winnipeg
- Federal Ombudsman Office, Brazil (on behalf of the Canadian Council of Parliamentary Ombudsman)

Statistics

On the following pages are details of the complaints received and closed at our office in 2008. Our office received 2,191 complaints that were within our jurisdiction and 940 that were outside our jurisdiction.

When we receive complaints, we assess them to determine how many issues are related to each. Some complaints are complex and may be broken into several issues. During the course of our work on the file, each issue is reviewed and closed as an individual entity. For this reason, and because some files are carried over each year, the number of closed files and opened files should not be expected to match. What the closed file statistics do tell us is how each issue was closed. For example, we may have provided some initial support such as coaching, the issue may be considered resolved, or we may have made recommendations to the government.

Some files can be completed quite quickly, while others take more time and attention. Based on our experience with complaints and our desire to provide timely services, we set some timeliness standards in 2008.

Our goals were:
- 90% of files closed within 90 days.*
- 95% of files closed within 180 days.*

Our actual results were:
- 91% of files closed within 90 days.*
- 94% of files closed within 180 days.*

We are proud of our results and will continue to try to meet or beat our timeliness standards in 2009.

*Corrected as of September 2009

Complaints Received [1]		Ministries
2008	2007	
40	**37**	**Advanced Education, Employment and Labour**
8	**8**	**Agriculture**
		Corrections, Public Safety and Policing
71	42	Adult Corrections - Pine Grove Correctional Centre
92	98	Adult Corrections - Prince Albert Correctional Centre
234	217	Adult Corrections - Regina Correctional Centre
188	203	Adult Corrections - Saskatoon Correctional Centre
16	19	Adult Corrections - Other
2	1	Young Offenders Program
13	17	Corrections and Public Safety - Other
616	**597**	**Totals - Corrections, Public Safety and Policing**
1	**4**	**Education**
21	**16**	**Environment**
1	**1**	**Executive Council**
11	**3**	**Finance**
1	**0**	**First Nations and Metis Relations**
		Health
15	19	Drug Plan & Extended Health Benefits
30	25	Health - Other
45	**44**	**Totals - Health**

[1] **Complaints Received:** The number of complaints received from January 1 to December 31. These complaints are considered within jurisdiction, although a very small number of them may later be determined not to be.

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[3] **Referral Assistance:** These complaints are mainly ones where, after beginning a negotiation, mediation or investigation process, we have referred the complainant to an appeal route they have not yet tried or a more appropriate remedy.

Note: A complaint closed as *referral assistance* may be part of a multiple complaint that spans more than one category.

[4] **Situation Improved:** The complainant may not consider the complaint to be completely resolved, but the situation has improved - perhaps for them and perhaps also for others who may encounter a similar situation.

Note: A complaint closed as *situation improved* may be part of a multiple complaint that spans more than one category.

Complaints Closed in 2008

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Recommendation Made [7]	Discontinued [8]
20	**5**	**5**	**2**	**6**	**0**	**6**
4	**2**	**3**	**0**	**1**	**0**	**2**
47	1	10	4	4	1	7
61	2	8	8	7	8	3
117	35	33	38	12	1	28
111	8	33	33	17	3	13
12	1	2	1	0	0	1
1	0	0	0	0	0	1
7	1	1	0	8	1	3
356	**48**	**87**	**84**	**48**	**14**	**56**
1	**0**	**0**	**0**	**0**	**0**	**0**
14	**0**	**2**	**2**	**2**	**0**	**4**
1	**0**	**0**	**0**	**0**	**0**	**0**
6	**0**	**1**	**1**	**1**	**0**	**0**
0	**0**	**0**	**0**	**0**	**0**	**0**
5	0	6	1	0	0	1
18	0	1	0	2	1	6
23	**0**	**7**	**1**	**2**	**1**	**7**

[5] **Resolved:** The complaint has been completely or largely resolved. Examples: the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

Note: A complaint closed as *resolved* may be part of a multiple complaint that spans more than one category.

[6] **Not Resolved:** The complaint has not been resolved. Examples: the complainant's situation is not significantly better and they remain dissatisfied with the government's decision or action, or there was no appropriate remedy available.

Note: A complaint closed as *not resolved* may be part of a multiple complaint that spans more than one category.

[7] **Recommendation Made:** Our office has made one or more recommendations. This includes recommendations that are accepted and rejected.

Note: A complaint closed as other may be part of a multiple complaint that spans more than one category.

[8] **Discontinued:** Our office or the complainant has chosen to withdraw or discontinue the complaint. This includes situations where we find, after some involvement, that the complaint is outside our jurisdiction.

Note: A complaint closed as other may be part of a multiple complaint that spans more than one category.

Complaints Received [1]		Ministries
2008	2007	
3	**8**	**Highways and Infrastructure**
		Justice and Attorney General
10	13	Court Services
34	31	Maintenance Enforcement Branch
14	21	Public Trustee
41	25	Office of Residential Tenancies / Provincial Mediation Board
13	13	Justice - Other
112	**103**	**Totals - Justice and Attorney General**
3	**5**	**Municipal Affairs**
2	**2**	**Saskatchewan Institute of Applied Science and Technology (SIAST)**
		Social Services
59	64	Building Independence
80	46	Child and Family Services
5	3	Community Living
16	11	Housing - General
10	7	Housing - Regina
9	8	Housing - Saskatoon
23	13	Housing - Other Locations
508	507	Income Assistance
5	22	Social Services - Other
715	**681**	**Totals - Social Services**
2	**0**	**Tourism, Parks, Culture & Sport**
0	**2**	**Government Services**

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Complaints Closed in 2008

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Recommendation Made [7]	Discontinued [8]
3	**0**	**0**	**0**	**3**	**0**	**0**
6	0	4	0	0	0	1
19	7	7	4	2	0	0
9	0	2	3	1	1	2
35	1	1	2	4	0	3
6	0	2	2	0	1	0
75	**8**	**16**	**11**	**7**	**2**	**6**
1	**0**	**0**	**0**	**0**	**0**	**1**
1	**0**	**0**	**0**	**2**	**0**	**0**
33	3	16	10	3	0	2
70	2	0	2	9	0	7
1	0	0	1	0	0	0
10	0	2	4	2	0	3
7	1	0	3	1	0	0
4	0	3	1	1	0	1
16	4	3	2	2	0	0
304	41	69	59	29	1	29
4	0	0	0	0	0	0
449	**51**	**93**	**82**	**47**	**1**	**42**
1	**0**	**0**	**0**	**0**	**0**	**0**
0	**0**	**0**	**0**	**0**	**0**	**0**

[5] **Resolved:** The complaint has been completely or largely resolved. Examples: the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

Note: A complaint closed as *resolved* may be part of a multiple complaint that spans more than one category.

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Note: A complaint closed as other may be part of a multiple complaint that spans more than one category.

Complaints Received [1]		Boards
2008	2007	
1	0	**Farm Land Security Board**
4	4	**Highway Traffic Board**
0	0	**Lands Appeal Board**
0	1	**Public and Private Rights Board**
		Regional Health Authorities
9	13	Regina Qu'Appelle Regional Health Authority
16	7	Saskatoon Regional Health Authority
30	14	Other Regional Health Authorities
55	**34**	**Totals - Regional Health Authorities**
1	0	**Saskatchewan Arts Board**
8	8	**Social Services Appeal Board**
0	1	**Surface Rights Arbitration Board**
1	0	**Water Appeal Board**
130	109	**Workers' Compensation Board**

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Note: A complaint closed as *situation improved* may be part of a multiple complaint that spans more than one category.

Complaints Closed in 2008

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Recommendation Made [7]	Discontinued [8]
0	**0**	**0**	**0**	**0**	**0**	**1**
1	**2**	**1**	**1**	**0**	**0**	**2**
0	**0**	**0**	**0**	**1**	**0**	**0**
0	**0**	**0**	**0**	**0**	**0**	**0**
6	0	4	1	0	0	1
14	0	2	0	0	0	1
24	2	3	0	1	0	0
44	**2**	**9**	**1**	**1**	**0**	**2**
1	**0**	**0**	**0**	**0**	**0**	**0**
2	**1**	**0**	**2**	**3**	**1**	**6**
0	**0**	**0**	**0**	**0**	**0**	**0**
1	**0**	**0**	**0**	**0**	**0**	**0**
108	**9**	**8**	**2**	**4**	**2**	**6**

[5] **Resolved:** The complaint has been completely or largely resolved. Examples: the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

Note: A complaint closed as *resolved* may be part of a multiple complaint that spans more than one category.

[6] **Not Resolved:** The complaint has not been resolved. Examples: the complainant's situation is not significantly better and they remain dissatisfied with the government's decision or action, or there was no appropriate remedy available.

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Note: A complaint closed as other may be part of a multiple complaint that spans more than one category.

Complaints Received [1]		Crown Corporations
2008	2007	
0	1	**Agricultural Credit Corporation of Saskatchewan**
3	6	**Information Services Corporation of Saskatchewan**
0	4	**Liquor and Gaming Authority**
5	7	**Saskatchewan Crop Insurance Corporation (SCIC)**
0	2	**Saskatchewan Gaming Corporation**
		Saskatchewan Government Insurance (SGI)
37	38	Auto Fund
95	72	Claims Division - Auto Claims
43	60	Claims Division - No Fault Insurance Protection (NFIP)
23	16	Claims Division - Other / SGI Canada
8	14	SGI - Other
206	**200**	**Totals - SGI**
0	1	**Saskatchewan Grain Car Corporation**
1	1	**Saskatchewan Municipal Board**
1	0	**Saskatchewan Opportunities Corporation**
2	0	**Saskatchewan Transportation Company**
5	4	**Saskatchewan Watershed Authority**
40	59	**SaskEnergy**

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Note: A complaint closed as *situation improved* may be part of a multiple complaint that spans more than one category.

Complaints Closed in 2008

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Recommendation Made [7]	Discontinued [8]
0	**0**	**1**	**0**	**0**	**0**	**0**
2	**0**	**0**	**0**	**0**	**0**	**0**
0	**0**	**0**	**0**	**0**	**0**	**0**
3	**0**	**0**	**2**	**3**	**1**	**0**
0	**0**	**0**	**0**	**0**	**0**	**0**
28	2	4	0	1	0	2
59	5	6	3	9	0	13
30	2	6	2	2	0	5
12	2	5	3	4	0	1
5	0	1	2	1	0	1
134	**11**	**22**	**10**	**17**	**0**	**22**
0	**0**	**0**	**0**	**0**	**0**	**0**
0	**0**	**0**	**1**	**0**	**0**	**1**
1	**0**	**0**	**0**	**0**	**0**	**0**
1	**0**	**0**	**1**	**0**	**0**	**0**
3	**0**	**0**	**0**	**1**	**0**	**0**
12	**2**	**13**	**7**	**4**	**0**	**4**

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Note: A complaint closed as other may be part of a multiple complaint that spans more than one category.

Complaints Received [1]		Crown Corporations
2008	2007	
65	83	SaskPower
39	37	SaskTel
		Commissions
0	1	Apprenticeship and Trades Certification Commission
0	1	Automobile Injury Appeal Commission
4	2	Public Service Commission
1	1	Saskatchewan Financial Services Commission
3	9	Saskatchewan Human Rights Commission
26	26	Saskatchewan Legal Aid Commission
9	4	Saskatchewan Public Complaints Commission
		Agencies
0	2	Saskatchewan Assessment Management Agency (SAMA)
2,191	2,119	**TOTALS - All Categories**

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Complaints Closed in 2008

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Recommendation Made [7]	Discontinued [8]
28	4	13	15	8	1	5
16	0	9	7	2	0	5
0	0	0	0	0	0	0
0	0	0	0	0	0	0
3	0	0	0	0	0	0
1	0	0	0	0	0	1
1	1	1	0	0	0	2
20	2	1	0	0	0	5
5	3	1	0	1	0	2
0	0	0	0	0	0	1
1,342	151	293	232	164	23	189

[5] **Resolved:** The complaint has been completely or largely resolved. Examples: the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

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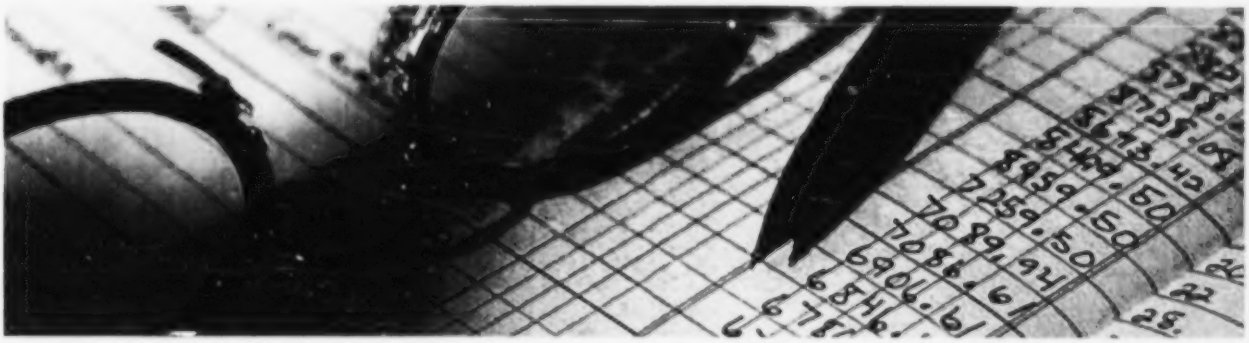
Budget



		2006-2007	2007-2008	2008-2009*
Budgetary Expenditures				
	Personal Services	$1,262,398	$1,358,150	$1,487,000
	Contractual Services	$243,905	$265,210	$294,000
	Advertising, Printing & Publishing	$33,205	$45,100	$37,700
	Travel & Business	$53,601	$47,800	$42,900
	Supplies & Services	$11,825	$8,300	$17,200
	Capital Assets	$15,144	$18,200	$19,200
	Special Warrant	–	–	$55,000
	Budgetary Total	**$1,620,078**	**$1,742,760**	**$1,953,000**
Statutory Expenditures				
	Personal Services	$153,992	$163,450	$170,000
	Statutory Total	**$153,992**	**$163,450**	**$170,000**
Total (Budgetary and Statutory)		**$1,774,070**	**$1,906,210**	**$2,123,000**

*Due to the timing of this report, the 2008-2009 numbers reflect the budgeted amount rather than the actual.

Staff

Regina Office

Kevin Fenwick
Ombudsman

Gordon Mayer
General Counsel

Janet Mirwaldt
Deputy Ombudsman

Brian Calder
Ombudsman Assistant

Sherry Davis
Ombudsman Assistant

Arlene Harris
Ombudsman Assistant

Roy Hodsman
Ombudsman Assistant

Carol Spencer
Complaints Analyst

Leila Dueck
Communications, Public Education & Fair Practices Director

Debra Zick
Executive Administrative Assistant

Angela Greyeyes
Administrative Assistant

Azteca Landry
Administrative Assistant (term)

Saskatoon Office

Joni Sereda
Deputy Ombudsman

Renée Gavigan
Acting Deputy Ombudsman / Ombudsman Assistant

Christy Bell
Ombudsman Assistant (term)

Connie Braun
Ombudsman Assistant

Jeff Cain
Ombudsman Assistant

Karen Topolinski
Ombudsman Assistant

Barbara Schindel
Complaints Analyst

Diane Totland
Complaints Analyst

Lynne Fraser
Manager of Administration

Michelle Baran
Administrative Assistant

Jennifer Kovar
Administrative Assistant (term)

promoting **fairness**